

YABE et al.

Appl. No. 10/021,436

Response to Office Action dated March 15, 2005

**IN THE DRAWINGS:**

Figure 4 has been amended to provide "Y" and "N" labels for decision block S4. No new matter has been added.

Attachments: Annotated drawing sheet showing changes

Replacement drawing sheet

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### REMARKS

Reconsideration and allowance of this application are respectfully requested.

The disclosure has been amended to correct the informalities noted in the office action.

As requested, the title of the application has been changed.

Figure 4 has been amended to provide "Y" and "N" labels for S4. An annotated sheet showing the changes to Figure 4 and a replacement sheet incorporating the changes are attached in the Appendix to this Amendment.

Claims 1-4, 7 and 9 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over the admitted prior art in view of Moyski *et al.* (U.S. Patent No. 5,185,803). While not acquiescing in this rejection, claim 1 has been amended. The discussion below makes reference to amended claim 1.

Claim 1 specifies that control by the control device is performed in a state in which:

- (1) the balance control device attenuates one of the first volume level and the second volume level by a predetermined amount from the main volume level; and
- (2) an external audio signal is supplied to the speaker or speakers outputting the audio signal corresponding to the other one of the first volume level and the second volume level which has not been attenuated by the balance control device.

The control device, among other things, attenuates the main volume level to the one of the first volume level and the second volume level attenuated by the balance control device. Thus, the control by the claimed control device is performed when the first or second volume level is attenuated by the balance control device, and the control is to attenuate the main volume level to the first or second volume level attenuated by the balance control device.

Applicant respectfully submits that the proposed combination of the admitted prior art and Moyski *et al.* at least fails to disclose these aspects of claim 1.

As stated in the office action, the admitted prior art does not disclose, among other things, controlling the main volume level as claimed. The office action alleges that Moyski *et al.* provides a control device 31 that attenuates a nominal main volume level gain (gain of all audio signals from 30). Significantly, however, Moyski *et al.* does not disclose or suggest to which level or how much the nominal main volume level identified in the office action is to be attenuated.

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In contrast, according to claim 1, the main volume level is attenuated to the volume level attenuated by the balance control level. As noted above, Moyski *et al.* does not disclose how much to attenuate the nominal main volume level and thus certainly does not disclose or suggest attenuating the main volume level to the volume level attenuated by the balance control device. Because neither the admitted prior art nor Moyski *et al.* disclose a control device as claimed, the proposed combination thereof is likewise deficient.

For at least these reasons, Applicants submit that claim 1 is not rendered obvious by the proposed combination of the admitted prior art and Moyski *et al.*

Claims 2-4, 7 and 9 depend from claim 1 and are believed to distinguish over the proposed combination of the admitted prior art and Moyski *et al.* for at least the reasons advanced with respect to claim 1 and because of other distinguishing features recited therein.

Nicholson *et al.* (U.S. Patent No. 6,330,337) is cited in connection with claim 5 for its alleged disclosure of certain volume control features. However, Nicholson *et al.* fails to remedy the deficiencies of the admitted prior art and Moyski *et al.* in connection with claim 1, from which claim 5 depends. As such, even assuming sufficient motivation could be identified for adding Nicholson *et al.* to the proposed combination of the admitted prior art and Moyski *et al.*, the subject matter of claim 5 would not result. Consequently, claim 5 is believed to be allowable for at least this reason.

Ishikawa (JP 4-162900) is cited in connection with claims 6 and 8 for its alleged disclosure of a storage unit, a readout unit and a changing unit as in claim 6 and for its alleged disclosure of monitoring as in claim 8. However, Ishikawa fails to remedy the deficiencies of the admitted prior art, Moyski *et al.* and Nicholson *et al.* in connection with claim 1, from which claims 6 and 8 each depends. As such, even assuming sufficient motivation could be identified for adding Ishikawa to the proposed combination of the admitted prior art, Moyski *et al.*, and Nicholson *et al.*, the subject matter of claims 6 and 8 would not result. Consequently, claims 6 and 8 are each believed to be allowable for at least this reason.

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Reconsideration and favorable action are solicited.

Respectfully submitted,

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Fig. 4

